

Remarks

Applicant has amended claims 6 and 14 to clarify the concepts claimed therein. For at least the reasons given below, Applicant submits that all of the currently pending claims, claims 2-10 and 12-17 are allowable.

Section 102 Rejections

The Examiner rejects claims 2-7, 10, and 12-15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,915,087 issued to Kruschik ("*Kruschik*"). Office Action pg. 2. The Examiner also rejects claims 6, 8-9, 14 and 16-17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 817,153 issued to Barr ("*Barr*"). Office Action pg. 2.

To anticipate a claim under § 102, a reference must teach each and every limitation of the claim. M.P.E.P. § 2131. Furthermore, the elements in the reference must be arranged as specified in the claim. *Id.* *Kruschik*, however, fails to teach or suggest at least one limitation in each of claims 2-7, 10, and 12-15. Additionally, *Barr* fails to teach or suggest at least one limitation in each of claims 6, 8-9, 14 and 16-17. Thus, the references do not anticipate these claims.

Applicant has amended the independent claims 6 and 14 to recite the limitation that "all of the fluid ports direct fluid flow toward the second fluid passage." Nowhere, however, does either *Kruschik* or *Barr* teach or suggest all of the fluid ports in the throttling cage positioned to direct fluid flow toward the valve outlet.

Because neither *Kruschik* nor *Barr* teaches or suggests all of the limitations of claims 6 and 14, neither can anticipate it. Applicant, therefore, respectfully requests the Examiner to withdraw the § 102 rejection thereof.

Claims 2-5, 8-10, 12-14 and 15-17 depend either directly or indirectly from either independent claim 6 or independent claim 14 and, hence, contain all of their respective limitations. Applicant respectfully requests that the Examiner withdraw the rejection of these claims.

Applicant : James A. Stares
Serial No. : 10/082,620
Filed : February 22, 2002
Page : 7 of 7

Attorney's Docket No.: 15825-048001 / MN-01-001

Conclusion

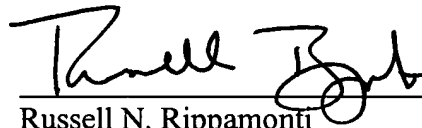
For the reasons given above, Applicant submits that a good faith effort has been made to advance the prosecution of the Application. Furthermore, Applicant submits that the Application is in condition for allowance and respectfully requests same. If the Examiner feels that prosecution may be advanced by a conference, however, Applicant respectfully requests the Examiner to contact the below-listed attorney.

Applicant believes that no fees are required by this paper. But if Applicant is incorrect, Applicant respectfully requests that any required fees be charged to Deposit Account No. 06-1050, with reference to the instant case.

Respectfully submitted,

Date: _____

8/13/04



Russell N. Rippamonti
Reg. No. 39,521

Fish & Richardson P.C.
5000 Bank One Center
1717 Main Street
Dallas, Texas 75201
Telephone: (214) 292-4031
Facsimile: (214) 747-2091